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Date: August 27, 2002
 To: Examiner Chris Chu - Group 2815
 Location: United States Patent and Trademark Office
 Fax No.: (703) 308-7382
 From: Susan C. Hill (Registration No. 35,896)
 Subject: Serial No. 10/008,800 - Mark A. Gerber

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:

8/27/02 Elaine Cox Elaine Cox
 Date Printed Name Signature

MESSAGE:

Enclosed herewith, please find a RESPONSE TO A RESTRICTION/ELECTION REQUIREMENT for filing in the above-identified application.

ALL ITEMS MARKED WITH AN "X" ARE INCLUDED IN THE FAX

1.	<input checked="" type="checkbox"/>	1 page Fax cover sheet
2.	<input checked="" type="checkbox"/>	3 page Response to a Restriction/Election Requirement

PLEASE GIVE THESE PAPERS TO:

EXAMINER: Chris Chu
 GROUP ART UNIT 2815
 SERIAL NO.: 10/008,800
 FILED: November 8, 2001
 INVENTOR: Mark A. Gerber

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) Mark A. Gerber // GROUP ART UNIT: 2815 *He*
APPLN. NO.: 10/008,800 EXAMINER: Chris Chu *Election*
FILED: November 8, 2001
TITLE: SEMICONDUCTOR PACKAGE DEVICE AND METHOD OF *J. M. Miller*
FORMATION AND TESTING

9/3/02

Certificate of Transmission under 37 CFR
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RESPONSE TO A RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Office Action dated August 1, 2002, and Examiner's comments
with regard thereto, please enter the following Response to the Restriction/Election
Requirement in the above-entitled application, without prejudice or disclaimer.

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REMARKS

Withdrawal of the restriction requirement is respectfully requested. Applicants traverse the restriction requirement because the restriction requirement does not meet the requirements of 35 U.S.C. §121 and search and examination of the entire application would not be a serious burden on the Examiner.

The Examiner has identified two sets of claims, as listed below:

Group I: Claims 1-15, directed towards a method of forming a package device

Group II: Claims 16-27, directed towards a package device

Species I: depicted in FIGS. 1-12

Species II: depicted in FIGS. 13-23

Applicants respectfully submit that the claims of Groups I and II are not independent and distinct from each other. The Examiner has argued that the product (Group II) can be made by a materially different process, such as testing the ICs without applying test probes to the pads. Applicants respectfully point out that claim 3 is the only independent claim that involves testing by applying test probes. Independent claims 1 and 6 (independent method claims) cover both testing by applying test probes and testing without applying test probes. Thus independent claims 1 and 6 are not limited to the process of testing the ICs by applying test probes to the pads. Therefore, the example that the Examiner provided (testing each IC on a test board) is covered by independent claims 1 and 6. Therefore, the Examiner has failed to show how the product as claimed in Group II can be made by a materially different process than that claimed in Group I.

Based on the Examiner's argument regarding testing the ICs without applying test probes to the pads, the following grouping of claims would be more proper:

Group A: Claims 1-2 and 6-27, covers both testing by applying test probes and testing without applying test probes

Group B: Claims 3-5, requires testing by applying test probes

In regard to the species distinction drawn by the Examiner, it appears to Applicants that all of the claims of Group II read on both the embodiment of FIGS. 1-12 and the embodiment of FIGS. 13-23. Consequently, Applicants do not believe it is necessary to chose a species.

The Examiner has also failed to show how the process as claimed can be used to make a materially different product. Therefore, the claims of Group I and II are not distinct as asserted by the Examiner. Hence, the Applicants request that the Examiner organize the claims of Groups I and II into one group.

In addition, the search and examination of all claims would not be a serious burden on the Examiner. A search of the method claims would involve searching for a package device having two ICs or having pads on two sides, which are included in the structure claims. The Examiner will inherently search the subject matter included within the structure claims when he or she searches the method claims. Accordingly, examination of the claims of Group I and Group II is not a serious search burden on the Examiner. Therefore, the Examiner must examine the entire application on the merits even if it includes claims to independent and distinct inventions (which Applicants submit is not true in regards to Groups I and II).
M.P.E.P. § 803.

If the restriction requirement is not withdrawn, Applicants elect to prosecute the invention of claims 1-15 (Group I). However, if the Examiner regroups the claims as suggested by the Applicants, Applicants elect claims 1-2 and 6-27 (Group A). Please contact the Applicants' practitioner below if there are any issues regarding this communication or the current Application.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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